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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/524,679

09/30/2005

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EXAMINER

MITCHELL, NATHAN A

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/524,679	Applicant(s) MOON ET AL.	
	Examiner NATHAN MITCHELL	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 20-27 is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 10-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 10 It is unclear what is being referred to as the claim appears to have originally referred to language that was deleted in the amendment. Claim 11 refers to a single file; however claim 1 references multiple files. Thus it is unclear which file is being referred to. It is assumed claim 11 refers to "multimedia files". Regarding claim 12, in part (iv) "the set condition" should be changed to "a set condition".

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1-3, 5-10, 12, 17, 18, 21 and 23-27 rejected under 35 U.S.C. 103(a) as being unpatentable over 2006/0014523 A1 to Reilly in view of 2002/0062361 A1 to Kivipuro et al. and 6,922,735 B2 to Chang.

For claim 1, Reilly discloses a method for providing multimedia services in a mobile terminal, comprising the steps of:

(a) setting a plurality of execution conditions (paragraph 44 e.g. "key press", "cover opening" etc.) in the mobile terminal

(b) generating and storing theme multimedia files (paragraph 44-45 multimedia files are downloaded from content provider; implicitly content provider generates and stores content as needed

(c) downloading the theme files through a communication network (paragraph 44-45 theme changes are downloaded through a network provider)

(d) selecting a predetermined multimedia file being selected using an associated execution condition (paragraph 44 cover opens when phone opens, etc.)

For claim 1, Reilly discloses all the subject matter of the claimed invention with the exception of the multimedia files being stored in a data package including the execution conditions for the multimedia files.

In an analogous art, Kivipuro et al. teaches a computing device downloading an operating environment theme as a single data package (paragraph 6 "Such theme information is normally in compressed format, wherein the theme is formed into one packed file which is decompressed in the user's data processor into different theme files."). It would have been obvious to one of ordinary skill in the art at the time of invention that the technique of Kivipuro et al. could be used in the system of Reilly by downloading theme information as a single file. The motivation for the combination is the use of a known technique to improve a similar device in the same way. KSR International Co. v. Teleflex Inc., 550 U.S.---, 82 USPQ2d 1385 (2007)

The invention as modified above does not disclose the execution conditions being included in the package data. However in an analogous art, Chang discloses a method of controlling file usage comprising storing an execution condition with a file (abstract). It would have been obvious to one of ordinary skill in the art at the time of invention that this technique could be used in the invention as modified above by storing the execution conditions within the multimedia files. The motivation for the combination is the use of a known technique to provide the same improved event control.

Regarding **claim 2**, Reilly further discloses a step of executing the multimedia file according to the associated execution condition when the execution condition in the mobile terminal is satisfied (paragraph 44 e.g. "key press", "cover opening" etc.)

Regarding **claim 3**, Reilly further discloses an associated execution condition being satisfied by a key signal generated from a key pad (inherent to all mobile phones) being inputted to the mobile terminal (paragraph 44 e.g. "key press").

Regarding **claim 5**, the examiner interprets "key press tone" to refer to the pressing of any key including number keys.

Regarding **claim 6**, a number key can be considered a special key (see claim 5).

Regarding **claim 7**, the combination made in claim 1 decompresses files on the receiving system (Kivipuro et al. paragraph 6) and thereby would select each file according to its associated execution condition. Furthermore, with the introduction of Chang, every individual file and its associated execution condition would be stored as one file.

Regarding **claim 25**, Kivipuro et al. discloses packaging the data as a compressed file (paragraph 6).

Regarding **claim 26**, the invention as modified does not disclose storing a file as a simple merged file. However from the examiner's own personal knowledge, the software package WinRar available on Windows computers at least since the late 1990's has been used to package files. Winrar has a store setting where no compression is used (and the files are grouped faster). It would have been obvious to one of ordinary skill in the art at the time of invention that the technique of using no compression to group multiple related files. The motivation for the combination is a simple substitution of one element for another to yield predictable results.

Claims 8 and 9 are rejected for the same reasons as claims 25 and 26 respectively.

Claim 10 appears to have originally referred to language that was deleted in the amendment. However Reilly teaches downloading content in response to a request (paragraph 45).

Regarding **claim 21**, Reilly further discloses an associated execution condition being satisfied by a key signal generated from a key pad (inherent to all mobile phones) being inputted to the mobile terminal (paragraph 44 e.g. "key press tone").

Claims 23 and 24 are rejected for reasons analogous to claims 5 and 6.

Regarding **claim 27**, Reilly disclose the step of selecting the predetermined multimedia file being responsive to the association execution condition being satisfied by user input (paragraph 44; a key press tone will not be activated until a key is pressed).

Claim 12 is rejected for essentially the same reason as claims 2 and 3 as it is essentially a broader version of claim 2. Inherently files downloaded to a mobile terminal are stored in their 'memory part'. "Execution being satisfied by user input" is taught by Reilly (paragraph 44 "key press tone" necessarily requires a user input of a key press).

Claim 17 is rejected for the same reason as claim 5 or 6.

Claim 18 is rejected for essentially the same reason as claim 12. For claim 18, Reilly discloses a server for distributing multimedia files (220), however it does not disclose a package data generating part generating package data with each execution condition associated with at least one multimedia file or a package data managing part

for storing the package data generated by the package data generating part operating with execution conditions as in claim 12. Reilly further discloses downloading data to a mobile terminal responsive to a predetermined condition (paragraph 45). Reilly also discloses execution responsive to user input (paragraph 44 key press tone).

Furthermore the examiner considers a server to inherently have a processor and memory (see U.S. Patent No. 6,710,702 B1 column 4 40-43). Data manipulation operation are necessarily performed by a processor and storage is necessarily performed by memory. Thus claim 18 is rejected for essentially the same reason as claim 12 with the processor of server 220 being modified to function as a package data generating part and the memory of server 220 being modified to store the package data with execution conditions. The motivations for the combination are the same.

7. Claim 4, 16 and 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly in view of Kivipuro et al. and Chang as applied to claim 1, 12 or 21 above, and further in view of U.S. Patent Application Publication No. 2001/0053707 A1 to Lutnaes.

For **claim 4**, the invention as modified in claim 1 does not specifically disclose the execution condition for bringing on a start-up sound. In an analogous art, Lutnaes discloses a portable telephone having a keypad assigned a power-on function (paragraph 34). It would have been obvious to one of ordinary skill in the art at the time of invention to combine this teaching with that of the invention as modified. The press of a power-on key is the clear identification of a need for a start-up sound. The motivation

for the combination is the use of a known technique to improve a similar device in the same way.

Claim 16 is rejected for the same reason as claim 4.

Claim 22 is rejected for the same reason as claim 4.

8. Claims 11 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly in view of Kivipuro et al. and Chang as applied to claim 1 or 12 above, and further in view of "Changing Faces-The Ericsson A2618s" to Lim

For **claim 11**, Reilly only discloses the use of start-up sounds. However in analogous art, Lim discloses a mobile phone with a video (animated) start up screen (paragraph 4). It would have been obvious to one of ordinary skill in the art at the time of invention that the invention of Reilly could be extended to other multimedia files such as animation by associating an execution condition with them. The motivation for the combination is a simple substitution of one element for another to yield predictable results.

Claim 13 is rejected for a reason analogous to the one above. As modified above a theme package can include a startup video (video) and a key press tone (audio) among the possible multimedia files.

Regarding **claim 14**, Kivipuro et al. discloses packaging the data as a compressed file (paragraph 6).

Regarding **claim 15**, the invention as modified does not disclose storing a file as a simple merged file. However from the examiner's own personal knowledge, the software package WinRar available on Windows computers at least since the late

1990's has been used to package files. Winrar has a store setting where no compression is used (and the files are grouped faster). It would have been obvious to one of ordinary skill in the art at the time of invention that the technique of using no compression to group multiple related files. The motivation for the combination is a simple substitution of one element for another to yield predictable results.

9. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reilly in view of Kivipuro et al. and Chang as applied to claim 18 above, and further in view of 2002/0035692 A1 to Moriai et al. (previously cited).

Regarding **claim 20**, the memory as modified in claim 18 can be considered a storing module for storing the package data generated from the package data generating part. Furthermore, the transmitting module is inherent given wireless transmission (see Reilly fig. 1) and Reilly further disclose transmitting information to the mobile terminal if the mobile terminal requests the information (paragraph 45).

In an analogous art, Moriai teaches a user information managing module for managing a plurality of mobile terminals provided with the multimedia services (10). It would have been obvious to one of ordinary skill in the art at the time of invention to combine this teaching with that of the invention as modified by allowing for verification of user identity. The motivation for the combination is the use of a known technique to improve a similar device in the same way.

Allowable Subject Matter

10. Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

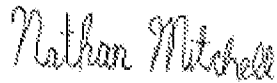
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHAN MITCHELL whose telephone number is (571)270-3117. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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3/27/2008

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